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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,592	06/25/2001	Alex D. Starkovich	ITL.1693US (P10394)	2119
21906 7590 05/09/2008 TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER RAMPURIA, SHARAD K	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/891,592	Applicant(s) STARKOVICH ET AL.	
	Examiner Sharad Rampuria	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12 and 19-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/10/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The receipt of drawings filed is accepted by examiner.

Disposition of the claims

The current office-action is in amendment filed on 03/03/2008.

Accordingly, Claims 1, 3-12, 19-28 are pending for further examination as follows:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 9-12, 19-21, 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patil [US 6625460] in view of Motohashi (US 6351639).

As per claim 1, Patil teaches:

A method of transmitting a message from a portable communication device (10; Fig.1, Abstract) comprising:

Preparing the message to be transmitted, wherein preparing includes receiving the message from a user of the portable communication device via an input/output (I/O) module of the portable communication device; (e.g. user can compose the message by utilizing user-interface; Col.4; 4-21)

Associating the message with a user defined event, wherein the user defined event is defined by the user of the portable communication device and includes to specify at least one condition upon which transmission of the message will occur; (e.g. the message sent upon triggering the condition; Col.5; 16-24) and

Transmitting the message from the portable communication device with an instructions to cause said base station to transmit said message at a predetermined time. (e.g. The message server 40 is further responsive to portions of an incoming message specifying that an outgoing message be sent on a periodic basis (Blocks SM, 5N, 50). For example, a user may be able to request that a user text message be sent every morning at 7:00 am. As a further example, a user may request that information from a content provider 60A, . . . 60.sub.n be updated every hour, between 9:00 am and 4:00 pm, and sent to a distribution list. As a further example, a user may compose a command "STOCKS: EVERY HOUR: 9.00 AM: 4.00 PM: ABC, NOK: FRIENDS" in the form of an SMS message. Upon receipt, the message server 40 recognizes that IDUSER is requesting that the current price of ABC and NOKIA stock be sent to the distribution list FRIENDS, every hour between 9:00 am and 4:00 pm; Col.8; 24-39)

Patil doesn't teach specifically, transmitting the message from the portable communication device together with an instruction to control an activity of a recipient of said message. However, Motohashi teaches in an analogous art that transmitting the message from the

portable communication device together with an instruction to control an activity of a recipient of said message. (e.g. control an activity of a recipient of message; Col.21; 19-35) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include transmitting the message from the portable communication device together with an instruction to control an activity of a recipient of said message in order to provide a telephone whose settings can be changed telephone by means of transmission of a request from a calling telephone to the called telephone.

Regarding Claim 3, Patil disclosed the method of claim 1, further comprising specifying the user defined event. (e.g. the user-define triggering condition; Col.4; 63-Col.5; 24)

Regarding Claim 4, Patil disclosed The method of claim 3, wherein specifying the user defined event includes specifying the date and time for transmission of the message. (e.g. the triggering condition include certain time/day; Col.5; 16-24)

Regarding Claim 5, Patil disclosed the method of claims 3, 13 respectively, wherein specifying the user defined event includes specifying an acceptable cost level at which the message is to be sent. (e.g. the cost; Col.5; 16-24)

Regarding Claim 9, Patil disclosed The method of claim 1, further comprising compressing the message only when the portable communication device is coupled to a stable power supply. (10; Fig.1, col.3; 11-26)

Regarding Claim 10, Patil disclosed all the particulars of the claim except transmitting the message includes wirelessly transmitting the message to a receiver and disabling a ringing function of the receiver. However, Motohashi teaches in an analogous art, that the method of claim 1, wherein transmitting the message includes wirelessly transmitting the message to a receiver and disabling a ringing function of the receiver. (Col.21; 19-35)

Regarding Claim 11, Patil disclosed The method of claim 1, further comprising storing the message in memory in the portable communication device. (e.g. memory; col.3; 55-63, col.4; 27-55)

Regarding Claim 12, Patil disclosed The method of claim 11, wherein storing the message in memory includes storing the message in non-volatile memory. (e.g. memory; col.3; 55-63, col.4; 27-55)

Claims 19 is the apparatus, claim corresponding to device claim 1 respectively, and rejected under the same rational set forth in connection with the rejection of claim 1 respectively, above.

Regarding Claim 20, Patil disclosed The portable communication device of claim 19, where in the processor is further adapted to monitor the operation of the portable communication

device and determine if the user defined event has occurred. (e.g. the triggering condition include certain time/day; Col.5; 16-24).

Regarding Claim 21, Patil disclosed The method of claim 20, wherein defining a transmission condition includes defining a time when the message is to be transmitted. (e.g. the triggering condition include certain time/day; Col.5; 16-24).

Claims 24-28 are the An article comprising: a storage medium having stored thereon instructions, that, when executed by a computing platform, claim corresponding to device claims 19-21 respectively, and rejected under the same rational set forth in connection with the rejection of claims 19-21 respectively, above.

Claims 6 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patil & Motohashi further in view of Yach et al. (US 20020128036).

Regarding Claims 6, 8 the above combination disclosed all the particulars of the claim except the user defined event includes specifying an acceptable transmission power level at which the message is to be sent. However, Yach teaches in an analogous art, that the method of claim 3, wherein specifying the user defined event includes specifying an acceptable transmission power level or distance at which the message is to be sent. (Pg.7; 0064) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include

the user defined event includes specifying an acceptable transmission power level at which the message is to be sent in order provide transmission power control method in achieving the target.

Claims 7, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patil & Motohashi further in view of Price et al. (US 20020082881).

Regarding Claim 23 the above combination disclosed all the particulars of the claim except defining an acceptable quality of service level for when the message is to be transmitted. However, Price teaches in an analogous art, that the method of claim 20 respectively, wherein defining a transmission condition includes defining an acceptable quality of service level for when the message is to be transmitted. (Pgs.3-4; 0052) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the user defined event includes specifying an acceptable quality of service level at which the message is to be sent in order to provide information exchange with communication network based on user needs and network capacity.

Regarding Claims 7, 22 the above combination disclosed all the particulars of the claim except the user defined event includes specifying an acceptable security level at which the message is to be sent. However, Price teaches in an analogous art, that the method of claims 3, 20 wherein specifying the user defined event includes specifying an acceptable security level at which the message is to be sent. (Pg.7; 0095)

Response to Amendments & Remarks

Applicant's arguments filed on 03/03/2008 have been fully considered but they are not persuasive.

Relating to Claim 1:

In view of the fact, that **PATIL** teaches, "The message server 40 is further responsive to portions of an incoming message specifying that an outgoing message be sent on a periodic basis (Blocks SM, 5N, 50). For example, a user may be able to request that a user text message be sent every morning at 7:00 am. As a further example, a user may request that information from a content provider 60A, . . . 60.sub.n be updated every hour, between 9:00 am and 4:00 pm, and sent to a distribution list. As a further example, a user may compose a command "STOCKS: EVERY HOUR: 9.00 AM: 4.00 PM: ABC, NOK: FRIENDS" in the form of an SMS message. Upon receipt, the message server 40 recognizes that IDUSER is requesting that the current price of ABC and NOKIA stock be sent to the distribution list FRIENDS, every hour between 9:00 am and 4:00 pm." (Patil, Col.8; 24-39). Thus, it is evidently, the explanations above are directed to the message further transmitted by the server (base station) at the predetermined time scheduled by the user, that positively, edify by **PATIL**. Hence, it is believed that **PATIL** still teaches the claimed limitations.

The above arguments also recites for the other independent claims, consequently the response is the same explanation as set forth above with regard to claim 1.

Because the remaining claims depend directly/indirectly, from one of the independent claims discussed above, as a result the response is the same justification as set forth above.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

Conclusion

Applicant's amendment (For illustration; since newly amended claims modified the above-disclosed rejection) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

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/Sharad Rampuria/
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Art Unit 2617